



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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MAILED

OCT 24 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: Axelrod et al.
Application No.: 09/914,047
Filed: 01/09/02
For: Foldable/Collapsible Structures

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,507.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Jameson Lee
JAMESON LEE
Administrative Patent Judge

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Paper 1

Filed:
October 24, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GLEN AXELROD and WALTER LEE
Junior Party
(Application 09/914,047),

v.

SCOTT PIVONKA and JOHN TOTTEBEN
Senior Party
(Patent 6,408,797 B2).

MAILED

OCT 24 2006

Patent Interference No. 105,507
(Technology Center 3600)

PAT. & TM. OFFICE
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DECLARATION - Bd.R. 203(b)¹

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any),
4 count(s) and claims designated as corresponding or as not corresponding to the
5 count(s) appear in Parts E and F of this DECLARATION.

6

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part B. Judge managing the interference**

2 Administrative Patent Judge Jameson Lee has been designated to manage the
3 interference. Bd. R. 104(a).

4 **Part C. Standing order**

5 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
6 DECLARATION. The STANDING ORDER applies to this interference.

7 **Part D. Initial conference call**

8 A telephone conference call to discuss the interference is set for **12:00 p.m. on**
9 **December 19, 2006** (the Board will initiate the call).

10 No later than **four business days** prior to the conference call, each party shall
11 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
12 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13 A sample schedule for taking action during the motion phase appears as Form 2
14 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
15 the conference call and to agree on dates for taking action. A typical motion period
16 lasts approximately eight (8) months. Counsel should be prepared to justify any
17 request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Glen Axelrod, Neptune, NJ
Walter Lee, Norman Park, Australia

Involved Application: 09/914,047, filed January 9, 2002

Title: Foldable/Collapsible Structures

Assignee: TFH Publications, Inc.

Senior Party

Named inventors: Scott Pivonka, Littleton, CO
John Tottleben, Bailey, CO

Involved Patent: 6,408,797 B2, granted June 25, 2002
based on application 09/825,396, filed
April 3, 2001

Title: Collapsible Pet Carrier

Assignee: None

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 16 of Axelrod's Application 09/914,047

or

Claim 1 of Pivonka's Patent 6,408,797

The claims of the parties are:

Axelrod: 16-18

Pivonka: 1-9

The claims of the parties which correspond to Count 1 are:

Axelrod: 16-18

Pivonka: 1-9

The claims of the parties which do not correspond to Count 1, and therefore are

not involved in the interference, are:

Axelrod: None

Pivonka: None

The parties are accorded the following benefit for Count 1:

Axelrod: PCT Application PCT/US00/04357, filed February 22, 2000

Application 09/334,529, filed June 16, 1999, now U.S. Patent 6,131,534, issued October 17, 2000

Pivonka: Application 09/323,423, filed June 1, 1999, now U.S. Patent 6,216,638, issued April 17, 2001

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SO ¶ 106.1.1:

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

V.

Patent Interference No. 105,507
(Technology Center 3600)

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this INFORMATION with a hand-drawn circle around the patents and applications for which a file wrapper is requested.

Enc:

-5-

cc (via overnight delivery):

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